

REMARKS

Applicants thank the Examiner for the thorough consideration given the application. Claims 1-8 are currently being prosecuted. The Examiner is respectfully requested to reconsider his rejections in view of the amendments and remarks set forth below.

Rejections under 35 U.S.C. § 103

Claims 1-3, 5, and 6 stand rejected under 35 U.S.C. § 103(a) as being obvious over Fenwick (U.S. Patent No. 1,959,782) in view of Bourdelais et al. (U.S. Patent No. 5,874,205). This rejection is respectfully traversed.

The Examiner states that Fenwick shows a waterproof bag having a woven base component and a waterproof film adhered to an entire inner surface of the base component. The Examiner admits that Fenwick fails to disclose a photo film adhered to an outer surface.

The Examiner relies on Bourdelais et al. to teach a composite having a polymer sheet affixed to a support layer with a layer of photographic material on its outer side. Applicants submit that claim 1 is not obvious over this combination of references.

First, Applicants submit that there is no motivation to combine these two references. The Fenwick reference is designed to carry water and in no way indicates that a photographic material should be placed on its outer surface. In fact, the presence of such a material would not normally be considered obvious since this object is used, for relatively rough work such as firefighting and such a photograph would not hold up well under such conditions. Furthermore, since the bag is used to hold water, and is filled by hand, it is very likely that the outer surface would at some point get wet, making it difficult to maintain such a material from water damage. Accordingly, Applicants submit that Fenwick has no teaching of the desirability of a photographic material on its outer surface.

Likewise, Bourdelais et al. teaches the mounting of photographic material on a base but has no teaching of the desirability of placing such a photograph on a bag for advertising purposes. Applicants submit that there is no motivation to add a photographic material such as shown on Bourdelais et al. to a water carrier bag shown in Fenwick. Accordingly, claim 1 is now considered to be allowable.

Further, Applicants have amended claim 1 to point out that the waterproof film is laminated to an entire inner surface of the woven base component. Applicants submit that this is different than the arrangement shown in Fenwick. The only part of the Fenwick patent that deals with the waterproofing is found in the right-hand column on page 1 in the paragraph extending from line 87 to 104. The description there is that the bag is made of a flexible tubular member which is either inherently water impervious or which can be made waterproof by suitable treatment. If the material is inherently water impervious, there is no waterproof film laminated thereto. If there is a waterproof treatment, it might or might not include the lamination of a waterproof film to the inner surface of the base component. Near the end of the relevant paragraph of Fenwick, it states that the fabric is treated with a suitable waterproofing coating, for example the fabric may be rubberized. Applicant submits that this is not the same as having a waterproof film laminated to the inner surface of the woven base component. If the film is laminated, it would imply that the film is formed first and then applied as a whole to the woven base component. That is, the lamination occurs between two components one of which is the base component and the other of which is the waterproof film. The waterproof coating, for example a rubberizing coating, implies that the coating is applied in some type of fluid manner onto the base component. Thus, this is not laminated, or attached as a whole. Accordingly, Applicants submit the Fenwick reference does not teach a waterproof film which is laminated to the inner surface of the base component. For this reason, Applicant submits that claim 1 is additionally allowable.

Claims 2, 3, and 5 depend from claim 1 and as such are also considered to be allowable. In addition, each of these claims cite other features which make them additionally allowable.

Claim 6 has also been amended and accordingly is allowable for the same reasons recited above with regard to claim 1. Thus, this claim also describes that the waterproof film is laminated to the base.

Applicants have also added claims 7 and 8 which further describe the shape of the waterproof film as being cylindrical. These details even further define the claims over the prior art cited by the Examiner. Accordingly, Applicants submit that all of claims 1-8 now define over the obviousness rejection suggested by the Examiner.

Applicants have also amended claims 1, 5 and 6 in order to describe the outer film as a printed film rather than a photo film. As indicated in paragraph [0041] of the specification, this film can contain an image graphics printing or the like. Accordingly, describing this film as a printed film is not considered to be new matter.

Conclusion

In view of the above remarks, it is believed that the claims clearly distinguish over the patents relied on by the Examiner, either alone or in combination. In view of this, reconsideration of the rejections and allowance of all the claims are respectfully requested.

If the Examiner believes, for any reason, that personal communication will expedite the prosecution of this application, the Examiner is invited to telephone Robert F. Gnuse, Registration No. 27,295 at (703) 205-8000.

If necessary, the Commissioner is hereby authorized in this, concurrent and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fee.

Dated: November 30, 2005

Respectfully submitted,

By 

James T. Eller, Jr.

Registration No.: 39,538

BIRCH, STEWART, KOLASCH & BIRCH, LLP

8110 Gatehouse Rd

Suite 100 East

P.O. Box 747

Falls Church, Virginia 22040-0747

(703) 205-8000

Attorney for Applicant